

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 22, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:10 A.M. on July 22, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS
PRESENT:

Florence Jones-Clarke, R.N., M.S., Vice President
Evelyn Lindsay, L.P.N.
Peregrin Francisco, R.N., M.S.A.
Joyce A. Hahn, Ph.D, APRN, NEA-BC
Jeanne Holmes, Citizen Member
Karen K. Schultz, Ph.D., M.B.A., Citizen Member

STAFF PRESENT:

Jodi P. Power, R.N., J.D., Deputy Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director (joined later)
Amy Davis, Administrative Assistant

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Rachel Williams, Assistant Attorney General (joined later)
Michael Bagel, Intern, Administrative Proceedings Division
Jessica Glajche, Intern, Administrative Proceedings Division
Nursing students from J. Sargeant Reynolds Community College; Career Training Solutions; ECPI College and ECPI Leadership Program

ESTABLISHMENT OF
A QUORUM:

With six members of the Board present, a quorum was established.

FORMAL HEARINGS:

Sook Ja Fisher, C.M.T. Reinstatement Applicant 0019-003446

Ms. Fisher appeared, accompanied by her husband, Donald Fisher; Kay Simmons, interpreter; and Judy Park, counselor and mentor.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Donald Fisher and Judy Park were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:20 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Fisher. Additionally, Ms.

Lindsay moved that Ms. Power, Ms Krohn, Ms. Davis, Ms. Glajche, Mr. Bagel and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:35 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Francisco moved that the Board of Nursing reinstate the massage therapy certificate of Sook Ja Fisher.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS:

The Board recessed at 10:40 A.M.

RECONVENTION:

The Board reconvened at 10:50 A.M.

FORMAL HEARINGS:

Carol E. Saunders, C.N.A. Reinstatement Applicant 1401-086545

Ms. Saunders appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:20 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Saunders. Additionally, Ms. Saunders moved that Ms. Power, Ms. Krohn, Ms. Davis, Ms. Glajche, Mr. Bagel and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 11:45 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing reinstate the nurse aide certificate of Carol Saunders.

The motion was seconded and carried. Ms. Holmes, Dr. Schultz, Ms. Lindsay, Ms. Jones-Clarke and Dr. Hahn were in favor of the motion. Ms. Francisco opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Kiersten W. Huffer, R.N. Reinstatement Applicant 0001-154201

Ms. Huffer appeared, accompanied by her husband David Huffer.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:25 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Huffer. Additionally, Ms. Huffer moved that Ms. Power, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 12:40 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Dr. Schultz moved that the Board of Nursing deny the application for reinstatement of the professional nursing license of Kiersten Huffer and continue the license of Ms. Huffer on indefinite suspension for a period of not less than one year.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS:

The Board recessed at 12:45 P.M.

RECONVENTION:

The Board reconvened at 1:35 P.M.

Ms. Williams and Ms. Mitchell joined the meeting. Ms. Krohn left the meeting.

FORMAL HEARINGS:

Cherish Dolcine, C.N.A. 1401-105382

Ms. Dolcine appeared.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

June Morrison, Senior Investigator, Department of Health Professions; and Wanda Davis Cooper, Program Manager, Fairbridge Virginia Beach Estates Assisted Living were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:45 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Dolcine. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Davis, Ms. Williams, Ms. Glajche, Mr. Bagel and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:22 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Holmes moved that the Board of Nursing revoke the nurse aide certificate of Cherish Dolcine with a finding of neglect to be entered against her in the Virginia Nurse Aide Registry.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 3:23 P.M.

RECONVENTION: The Board reconvened at 3:45 P.M.

FORMAL HEARINGS: **Michelle Ryan, R.N. 0001-170296**
Ms. Ryan appeared, represented by A. James Kauffman; and accompanied by Emily Ware.

David Kazzie, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

James Wall, Senior Investigator, Department of Health Professions; Sara Loope, L.S.W., Carilion Hospital; Sherry Ray, R.N.; Carilion Hospital; Mala Thomas, R.N., Director of Nursing, Carilion Clinic; and Emily Ware were present and testified.

RECESS: The Board recessed at 5:25 P.M.

RECONVENTION: The Board reconvened at 5:32 P.M. and continued with witness testimonies.

RECESS: The Board recessed at 6:50 P.M.

RECONVENTION: The Board reconvened at 6:57 P.M. and continued with witness testimonies.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:30 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Ryan. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 8:15 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Dr. Schultz moved that the Board of Nursing reprimand Michelle Ryan and place her on indefinite probation for a period of not less than one year of employment as a registered nurse with terms and conditions.

The motion was seconded and carried. Ms. Holmes, Dr. Schultz, Ms. Jones-Clarke, and Ms. Lindsay were in favor of the motion. Ms. Francisco and Dr. Hahn opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 8:20 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director